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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ruler and redeemer, creator and sustainer, we pause at the beginning of our labors to acknowledge Your majesty. Because of You, we live and move and breathe and prosper. You shower us with undeserved blessing, like a shepherd with his flock. You lead us to green pastures and beside still waters.

As our Senators and staffs do liberty's work today, stand with them. Give them prudence and discretion for their task. Remind them that if You are for us, neither demons nor deviants can prevail.

Help us to focus on today's challenges and trust You to take care of our past and future. Transform discord into harmony and hasten the day when peace will reign. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a brief period of morning business for up to 30 minutes, with the first 15 minutes under the control of the minority and the final 15 minutes under the control of the majority.

Following that time, the Senate will resume consideration of the pending resolution regarding Senate intelligence and Homeland Security oversight reform. Our whips are here again today to manage that resolution throughout the day. They will be able to update Members shortly in terms of expectations over the course of the day. I hope Members come forward with their amendments so we can finish this important resolution today.

I remind everyone that last night we filed a cloture motion on that resolution with the purpose of ensuring that we complete consideration of the reform resolution this week. That is the goal that was set out actually weeks ago by the Democratic leader and myself, the leadership on both sides of the aisle. Again our purpose was not in any way to get Senators cut off on their ability to offer amendments, but given our objective of departing tomorrow, we do need to work expeditiously on this legislation which we absolutely must and will finish.

As my colleagues know, rule XXII requires that first-degree amendments be

filed at the desk no later than 1 o'clock today. At that point in time we should have a better idea as to how to proceed with the resolution over the course of the afternoon.

In addition to completing the pending reform resolution, we expect the House to act on the FSC/ETI or JOBS conference report today. Real progress was made yesterday. As we all know, the conference completed its action and the House will address the conference report today. Once they address it, we will be able to address it. We will turn to that conference report later today, late today.

I hope we can reach an agreement for debate on that privileged conference report. However, similar to the current bill, if necessary, we would have to file cloture. I hope that is not the case. There has been a lot of discussion over the last several days and I hope that discussion continues and that people do not force us to file cloture.

Again, the leadership on both sides of the aisle agrees and has set out the objective of finishing the FSC legislation before we close out our business.

We have a lot to do. We would also consider any other conference report that does become available during this period.

I thank my colleagues.

NATIONAL INTELLIGENCE REFORM ACT

A brief comment on action yesterday. Once again, I congratulate the Chair and ranking member of the Governmental Affairs Committee for a tremendous effort. A lot of the other committees participated directly through their chairmen and ranking members. Yesterday, we proved the Senate could act very deliberately but expeditiously on a very important bill, a bill that represents the most dramatic and significant reform of our intelligence community in half a century. We delivered that product yesterday. It has been an effort underway for months and months, most significantly since July, the 9/11 Commission Report release date, but which proceeded

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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through August, September, into October, with the final Senate product being produced yesterday.

As mentioned again and again, what we have done the last several weeks is address nearly all 39 of the 41 recommendations put forth by the 9/11 Commission. The business in the Senate after morning business today will be the remaining 2 of those 41 recommendations put forth by the 9/11 Commission. Those two are very important, in part because they focus on this body, its internal operation of oversight of the intelligence community, and thus we will address that.

Again, I congratulate everyone for their participation. There is no question that the provisions in the bill we passed yesterday will make our Nation safer, it will improve our intelligence community, and will help us immensely in the war on terrorism. That was reflected by the overwhelming support, with only two Senators voting against the bill yesterday.

This is going to be a very busy day but a productive day. Again, we should be able to complete all of our business to be able to depart tomorrow, but if not, we would have to be here into Saturday and whatever time it takes.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half under the control of the Democratic leader and the second half of the time under the control of the majority leader.

Mr. REID. On behalf of Senator DASCHLE, I yield 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

THIRTEEN REASONS WHY AMERICA IS NOT SAFER BECAUSE OF PRESIDENT BUSH'S FOREIGN POLICY

Mr. KENNEDY. Mr. President, it was a Presidential election campaign 24 years ago when Ronald Reagan posed the defining question to the American people in that election when he asked, Are you better off today than you were 4 years ago? That basic question has greater relevance now than when Ronald Reagan asked it.

The defining issue today is our national security. Especially in this post-September 11 world, people have the right to ask Ronald Reagan's question in a very specific and all-important way: Are we safer today because of the policies of President Bush?

Any honest assessment can lead to only one answer and that answer is an emphatic no. President Bush is dead wrong and JOHN KERRY is absolutely right: We are not safer today.

The reason we are not safer is because of President Bush's misguided war in Iraq. The President's handling of the war has been a toxic mix of ignorance, arrogance, and stubborn ideology. No amount of Presidential rhetoric or preposterous campaign spin can conceal the truth about the steady downward spiral in our national security since President Bush made the decision to go to war in Iraq.

President Bush keeps saying that America and the world are safer and better off today because Saddam Hussein is gone. No matter how many rhetorical, double-twisting back flips President Bush performs, his disingenuous claim that the war has made America safer is wrong—and may be catastrophically wrong.

There were no weapons of mass destruction.

Across the country we see the newspapers with headlines like this morning's Washington Post headline: "U.S. 'Almost All Wrong' on Weapons." There were no weapons. Here it is in the New York Times this morning: "U.S. Report Finds Iraqis Eliminated Illicit Arms in 90's." "Weapons Capability Had Eroded Before War, Inspector Says."

Here is the recent report, just released yesterday, by the inspector general, who is over there, Charles Duelfer, who followed Dr. Kay. Very professional individuals with strong teams have spent up to \$900 million. This is the central conclusion on page 7:

Iraq did not possess a nuclear device, nor had it tried to reconstitute a capability to produce nuclear weapons after 1991.

Again, in a New York Times editorial this morning entitled "The Verdict Is In":

Since any objective observer should by now have digested the idea that Iraq posed no immediate threat to anyone, let alone the United States, it was disturbing to hear President Bush and Vice President DICK CHENEY continue to try to justify the invasion this week on the grounds that after Sept. 11, 2001, Iraq was clearly the most likely place for terrorists to get illicit weapons. Even if Mr. Hussein had wanted to arm groups he could not control—a very dubious notion—he had nothing to give them.

Those are the facts, Mr. President. And it is important for the administration to finally admit them. Saddam had no nuclear program. He had no stockpiles of weapons of mass destruction. The Iraq Survey Group basically nailed the door shut on the administration's justification for the war. But the President won't hear it. He stubbornly clings to his fiction that "there was a real risk that Saddam Hussein would pass weapons or materials or information to terrorist networks."

President Bush says JOHN KERRY "would weaken America and make the world more dangerous." In fact, it is

President Bush who has weakened America and made the world more dangerous. Let's count the ways George Bush's war has not made America safer.

No. 1, Iraq has been a constant perilous distraction from the real war on terrorism. There was no persuasive link between Saddam Hussein and al-Qaida. We should have finished the job in Afghanistan, finished the job on al-Qaida, and finished the job on Osama bin Laden.

No. 2, the mismanagement of the war in Iraq has created a fertile, new, and very dangerous breeding ground for terrorists in Iraq and a powerful recruiting tool for al-Qaida that did not exist before the war. We cannot go a day now without hearing of attacks in Iraq by insurgents and al-Qaida terrorists, and our troops are in far greater danger because of it.

Only this week, Ambassador Paul Bremer specifically stated that the Bush administration erred in not deploying enough troops in Iraq and not containing the violence and looting immediately after the fall of Saddam Hussein. About the looting, he said:

We paid a big price for not stopping it because it established an atmosphere of lawlessness.

He said:

We never had enough troops on the ground.

No. 3, Saddam may be behind bars, and that is a plus for America and the world, as President Bush says. But the war in Iraq has clearly distracted us from putting Osama bin Laden behind bars, and that is a huge minus.

No. 4, because of the war in Iraq, the danger of terrorist attacks against America itself has become far greater. Our preoccupation with Iraq has given al-Qaida more than 2 full years to regroup and plan murderous new assaults against us. And we know that al-Qaida will try to attack America again and again here at home, if it possibly can. Yet instead of staying focused on the real war on terror, President Bush rushed headlong into an unnecessary war in Iraq.

No. 5, and most ominously, the Bush administration's focus on Iraq has left us needlessly more vulnerable to an al-Qaida attack with a nuclear weapon. The greatest threat of all to our homeland is a nuclear attack. A mushroom cloud over any American city is the ultimate nightmare, and the risk is all too great. Osama bin Laden calls the acquisition of a nuclear device a "religious duty." Documents captured from a key al-Qaida aide 3 years ago revealed plans even then to smuggle high-grade radioactive materials into the United States in shipping containers.

No. 6, the war in Iraq has provided a powerful new worldwide recruiting tool for al-Qaida. We know al-Qaida is getting stronger, because its attacks in other parts of the world are increasing.

No. 7, because of the war, Afghanistan itself is still unstable. Taliban and al-Qaida elements continue to attack